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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,963	12/30/1999	ROGER L. BUIS	BO999023-003	7122
8791	7590	01/06/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			LUDWIG, MATTHEW J	
		ART UNIT		PAPER NUMBER
				2178

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/475,963	BUIS ET AL.
	Examiner	Art Unit
	Matthew J. Ludwig	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 September 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17, 19, 20, 24 and 25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8, 10-17, 19, 20, 24 and 25 is/are rejected.  
 7) Claim(s) 9 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This action is responsive to communications. RCE filed 9/20/04.
2. Claims 1-17, 19, 20, 24, and 25, are pending in the case. Claims 1, 10, 17, 24, and 25, are independent claims.
3. The rejection of claims 1-6, 10-18, 20, 24, and 25, under 35 U.S.C 103(a) as being unpatentable over DeRose in view of W3C HTML 4.01 Specification has been withdrawn pursuant to Applicant's proposed Amendment.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**In reference to dependent claim 7 & 8,** the limitation recites the phrase “for each identifier *that may* appear in the data stream”. The ambiguous nature of the term ‘*that may appear*’, leave open the possibility of the specified parameters for each identifier not appearing in the data stream. The Examiner suggestion of removing said phrase and having limitation read as followed; “wherein said specifying parameters for each identifier appear in the data stream...” will overcome this rejection.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-6, 10-17, 19, 20, 24, and 25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurosawa et al., USPN 6,466,954 filed (3/17/99) in view of Fukui et al., USPN 5,742,837 filed (8/26/1994).**

**In reference to independent claim 1, Kurosawa teaches:**

The term 'block', as taught by Kurosawa suggests the various areas of document, i.e., paragraphs, character lines, and words. The position of each block is represented as coordinates of two peak points on a diagonal line of the rectangle frame circumscribing the block. Two black dots of the left upper corner and the right lower corner of each block represent the position data in the layout information (compare to "*associating an identifier with each data record in a data stream according to the type of data in the data record*"). See column 4, lines 25-57. The term '*associating an identifier*', found within the limitation of the claim, fails to provide a sufficient description and employment when interpreted as a whole by the Examiner and therefore does not preclude the Examiner from utilizing the **blocks** or the **black dots** of the left upper corner and the right lower corner of each block (illustrated in Figures 4a-4c) taught by Kurosawa to provide a proficient description of an identifier associated with different types of data record as well as associating each identifier with a format region defining an area on a document.

The reference discloses attribute information corresponding to the layout structure of each block; however, the Kurosawa fails to explicitly state specifying parameters for each format region, where the parameters include formatting instructions relating to the presentation. Fukui teaches a method for displaying candidate layouts for each figure element to be laid out. More specifically, the layout result estimation unit estimates the layout resulting from each candidate position, and the layout status evaluation unit evaluates the estimated layout according to prescribed evaluation items. The evaluation unit taught by Fukui encompasses parameters for margins, which suggest layout instructions relating to the presentation of the data records in a document. See column 6, lines 60-67 & column 8, lines 1-51.

It would have been obvious to one of ordinary skill in the art, having the teachings of Kurosawa and Fukui before him at the time the invention was made, to modify the format and presentation methods taught by Kurosawa to include the parameters/rules of Fukui, because it would have provided a proficient method of prescribing order as applied to images and various image elements.

**In reference to dependent claim 2,** Kurosawa teaches:

The modification section edits the image data of the one block stored in the image memory section and updates the layout information of the one block stored in the layout information memory section. See column 5, lines 30-50. The reference suggests editing of blocks, which contain information from different regions of the document and specifies the formatting instructions for each format region.

**In reference to dependent claim 3,** Kurosawa teaches:

The reference discloses attribute information corresponding to the layout structure of each block; however, the Kurosawa fails to explicitly state specifying parameters for each format region, where the parameters include formatting instructions relating to the presentation. Fukui teaches a method for displaying candidate layouts for each figure element to be laid out. More specifically, the layout result estimation unit estimates the layout resulting from each candidate position, and the layout status evaluation unit evaluates the estimated layout according to prescribed evaluation items. The evaluation unit taught by Fukui encompasses parameters for margins, which suggest layout instructions relating to the presentation of the data records in a document. See column 6, lines 60-67 & column 8, lines 1-51.

It would have been obvious to one of ordinary skill in the art, having the teachings of Kurosawa and Fukui before him at the time the invention was made, to modify the format and presentation methods taught by Kurosawa to include the parameters/rules of Fukui, because it would have provided a proficient method of prescribing order as applied to images and various image elements.

**In reference to dependent claim 4,** Kurosawa teaches:

The reference provides a document image processing apparatus to input a document as the image data (for example, a facsimile apparatus or a copy machine), which suggests the utilization of some form of printing device. See column 1, lines 10-20.

**In reference to dependent claim 5,** Kurosawa teaches:

Figure 4a through 4b illustrate black dots at the beginning of each record, which suggest the indication of the start of each record/document. See Kurosawa, Figure 4a-4c.

**In reference to dependent claim 6,** Kurosawa teaches:

A plurality of character line blocks are linked to the paragraph block in which the plurality of character line blocks are included. See column 4, lines 50-67.

**In reference to dependent claims 10-13**, the limitations recite the instructions for performing similar methods claimed in 1-6, and in further view of the following, are rejected under similar rationale.

**In reference to dependent claim 14-16**, Kurosawa teaches:

A text recognition method, which provides the suggestion of repetitive analysis found at the beginning of each page of the document. See column 4, lines 34-67.

**In reference to claims 17, 19, 20, 24, and 25**, the limitations found within the claims recite the instructions for performing similar methods as though claimed in numbers 1-6. Therefore, in further view of the following, the claims are rejected under similar rationale.

#### *Allowable Subject Matter*

8. In reference to dependent claims 7 & 8, the claims would be allowable upon completion of the required changes to the claim language and, more specifically, to the removal of ambiguous language contained in the rejected claims.

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

9. Applicant's arguments with respect to claims 1-17, 19, 20, 24, and 25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Langford-Wilson USPN 6,589,292 filed (3/29/99)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML  
December 17, 2004

  
STEPHEN HONG  
SUPERVISORY PATENT EXAMINER